

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE:

DR. AMERICA E. NELSON a/k/a
AMERICA E. RAYFORD,

Debtor.

Bankr. Case No. HK 03-02552
District Court No. 1:05-CV-286

DR. AMERICA E. NELSON,

Appellant,

v.

Hon. Richard Alan Enslen

STEPHEN L. LANGE LAND,

Appellee.

ORDER

Appellant America E. Nelson has moved for return of her appellate filing fee. She lost on appeal, but wishes return of the filing fee because she was indigent (even though she did not timely move to proceed *in forma pauperis*). Oral argument is unnecessary.

This same situation was addressed by the Sixth Circuit Court of Appeals in *Brennan v. Griffeth*, no. 86-1188, 1986 WL 17773, *1 (6th Cir. Sept. 23, 1986). In that case, the Sixth Circuit denied return of the fee due to failure to timely comply with the pauper statute. That result is proper and consistent with statute.

THEREFORE, IT IS HEREBY ORDERED that Appellant America E. Nelson's Motion for Refund (Dkt. No. 13) is **DENIED**.

DATED in Kalamazoo, MI:
December 11, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE